

ORDINANCE NO. 2003-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ELIMINATING THE WATER/SEWER FRANCHISE FEE; REPEALING SUBSECTION 18-31(C) OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "STATEMENT OF REVENUES"; REPEALING IN ITS ENTIRETY SECTION 18-32 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "ANNUAL FEES"; REPEALING SUBSECTION 18-33(A)(1) OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING DEFAULT FOR FAILURE TO PAY THE ANNUAL FEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County presently imposes an annual water/sewer franchise fee of 2%, pursuant to Section 18-32, Code of Laws of Leon County; and

WHEREAS, the Board of County Commissioners desires to eliminate the water/sewer franchise fee in light of its adoption of a public service tax ordinance on utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

**Section 1.** Subsection 18-31(c) of the Code of Laws of Leon County, Florida, entitled "Statement of Revenues," is hereby repealed in its entirety.

**Section 2.** Section 18-32 of the Code of Laws of Leon County, Florida, entitled "Annual Fees," is hereby repealed in its entirety.

**Section 3.** Section 18-33 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 18-33. Default.**

(a) The following shall constitute default by the owner of an authorized system:

~~(1) The failure to pay the annual fee pursuant to section 18-32.~~

(1) ~~(2)~~ The failure to meet or exceed the minimum construction or operation standards set forth in sections 18-35 and 18-36.

(2) ~~(3)~~ The violation of the lawful order of the county or other applicable regulatory agency pertaining to the operation and maintenance of such system.

(3) ~~(4)~~ The failure to meet construction schedules submitted as part of the application procedure.

(4) ~~(5)~~ Refusal to provide service required by the authorization granted.

(5) ~~(6)~~ Such other action or inaction as will substantially affect the general health, safety and welfare of the citizens residing in or whose property is located within the authorized area.

**Section 4.**     **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 5.**     **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6.**     **Effective date.** This ordinance shall have effect on October 1, 2003.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon  
County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Tony Grippa, Chairman  
Board of County Commissioners

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT

By: \_\_\_\_\_  
CLERK

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
HERBERT W.A. THIELE  
COUNTY ATTORNEY